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REMARKS

Claims 1-36 are pending in the Application. Claims 1-7, 13-19 and 25-31 are rejected under 35 U.S.C. § 102(e). Claims 8-9, 20-24 and 32-36 are rejected under 35 U.S.C. § 103(a). Claim 25 was amended but to be written more clearly. Figure 3 was amended by adding reference numeral 300 representing persona object 300. Applicant respectfully traverses the rejections for at least the reasons stated below and respectfully requests that the Examiner reconsider and withdraw all outstanding rejections.

I. REJECTIONS UNDER 35 U.S.C. § 102(e):

The Office Action has rejected claims 1-7, 13-19 and 25-31 under 35 U.S.C. § 102(e) as being anticipated by *Koeppel et al.* (U.S. Patent No. 6,477,575) ("hereinafter *Koeppel*"). Applicant respectfully traverses these rejections for at least the reasons provided below and respectfully requests that the Examiner reconsider and withdraw these rejections.

For a claim to be anticipated under 35 U.S.C. § 102, each and every claim limitation must be found within the cited prior art reference and arranged as required by the claim. M.P.E.P. § 2131.

Koeppel does not disclose "selecting a *persona facet* by a user, wherein said *persona facet* selected comprises a *user selectable information selected by the user to be exposed in said electronic transaction*" as recited in claim 1 and similarly in claims 13 and 25. The Examiner directs Applicant's attention to column 11, lines 21-52 of *Koeppel* as disclosing the above-cited claim limitation. Paper No. 3, page 2. Instead, *Koeppel* discloses:

FIG. 5 is an exemplary flow chart of the data collection process described in FIG. 2. The process begins with the initialization of client side data store 160 (Step S.510). This step makes sure that each client side data store 160 is empty and can receive new information. The requested Web page provided to the client node 150 from the Web

server 110, includes an algorithm implemented using client side scripting, applets or other similar processing techniques, for storing the content rendered (Step S.520) into the client side data store 160. The algorithm further is implemented to store the content rules applied to the content (Step S.530), as well as any other information pertinent to the identification of the type of data rendered at the client node 150.

Once the Web page is received and rendered at each client node 150, respective users "browse" the Web page, generating user activated events. *These events may be associated with the user making link selections on the Web page to other pages, via URLs, mouse movements, screen scrolling, window resizing, or any other user initiated event. User behavior is monitored by capturing these events and storing them into client side data store 160 (Ste S.540), using client side scripting, applets, or other similar processing techniques. For example, client side scripting languages such as JavaScript include commands that enable a program to recognize selected "events" performed by users. The client side script served to each client node by Web server 110, utilize these commands to collect detailed user response information, enabling the present invention to recognize not only well known user events, such as "click-throughs", but whether selected content is actually "in view" to the users. As the user generates the events, the client side data store 160 accumulates the event data dynamically.* Column 11, lines 21-52.

Thus, *Koeppel* discloses monitoring and storing client activities such as browsing through a web page, making link selections on a web page to other pages, mouse movements, screen scrolling, window resizing, or any other user initiated event. None of this information *is user selectable information selected by the user*. The user in *Koeppel* does not select the information that is monitored and stored in the client side data store. Furthermore, *Koeppel* does not disclose that this information will be exposed in an electronic transaction, but instead it is used by marketing agencies to develop better advertisements aimed toward this particular user. Furthermore, *Koeppel* does not disclose a *persona facet*. Therefore, *Koeppel* does not disclose all the limitations of claims 1, 13 and 25, and thus *Koeppel* does not anticipate claims. M.P.E.P. § 2131.

Koeppel does not disclose "*sending said selected persona facet to said web site by said web browser during said electronic transaction*" as recited in claim 1 and

similarly in claims 13 and 25. Instead, the Examiner directs Applicant's attention to column 11, line 21 through column 12, line 30 and FIGs. 2-3 and 5-6 of *Koeppel* as disclosing the above-cited claim limitation. Paper No. 3, page 2. Instead, *Koeppel* discloses:

The "in view" data collected by the client side scripts may provide information such as data indicating whether content is actually viewable by respective users, mouse movements across a Web page, position of the Web page based on screen scrolling, length of time a mouse pointer is positioned in a determined location of the Web page, and a plurality of other "detailed" user behavior events associated with browsing. The potential for an enormous amount of user response data to be collected may be controlled by the programming of the client side script implemented by Web server 110. In other words, Web server 110 may be programmed to provide client side scripts that monitor general user response data, or numerous detailed user response data, depending upon the level of granularity of market analysis desired by the Web server.

Once a client side trigger event occurs in a respective client node 150 (Step S.550), the information accumulated in client side data store 160 is ready for transmission to data store 120 and Web server 110 for processing. The client side trigger event may be associated with a plurality of customized events, including but not limited to, the client side data store 160 being filled up to a threshold limit, the browser being closed, or a user selecting another Web page. The provider of Web server 110 may determine the types of client side trigger events they wish to operate with, and have them programmed into the present invention's monitoring script. In one embodiment of the invention, Web server 110 may periodically send a signal to client nodes 150 initiating a trigger event.

The event data is sent back to Web server 110 by executing a routine associated with a URL appended to the Web page served at the client node 150. The Web page sent to the client node 150, includes a portion with a URL dedicated to the dynamic transmission of the collected data to Web server 110. The routine appends the collected user event data from the client data store 160, onto the dedicated URL. That portion of the Web page is dynamically reloaded, *forcing the collected user event data to be sent to the Web server 110 (Step S.560).* Upon receipt of the collected user event data, *Web server 110 forwards it to data store 120 for storage.* Thus, Web server 110 is continuously, periodically or regularly receiving user response data from each client

node 150 being served by the Web server 110, *giving the server updated marketing information from which to base analysis of the content rendered to the client nodes 150.* Column 11, line 53 through column 12, line 30.

Thus, as stated above, *Koeppel* discloses monitoring and storing user initiated events such as browsing through a web page, mouse movements, screen scrolling, linking to other web pages. Further, *Koeppel* discloses that upon a trigger event, e.g., client side data store being filled up to a threshold limit, the information stored in the client side data store is transmitted to the web server and is consequently forwarded to a data store for storage. The information stored in the data store is then used by the server to update the marketing information. As stated above, *Koeppel* does not disclose a persona facet and therefore does not disclose sending a persona facet. Furthermore, *Koeppel* discloses *transmitting the information stored in the client side data store to the server upon initiating the trigger event.* However, *Koeppel* does not disclose sending a persona facet *during an electronic transaction.* Therefore, *Koeppel* does not disclose all the limitations of claims 1, 13 and 25, and thus *Koeppel* does not anticipate claims 1, 13 and 25. M.P.E.P. § 2131.

Koeppel does not disclose "receiving information about said user stored in a database from said web site if said web site recognizes said persona facet" as recited in claim 1 and similarly in claims 13 and 25. The Examiner directs Applicant's attention to column 11, line 21 through column 12, line 30 and FIGs. 2-3 and 5-6 of *Koeppel* as disclosing the above-cited claim limitation. Paper No. 3, page 3. Instead, as stated above, *Koeppel* discloses monitoring and storing user initiated events such as browsing through a web page, mouse movements, screen scrolling, linking to other web pages. Further, *Koeppel* discloses that upon a trigger event, e.g., client side data store being filled up to a threshold limit, the information stored in the client side data store is transmitted to the web server. *There is no determination as to whether the server recognizes a persona facet in order to determine whether to receive information about the user stored in a database.* Therefore, *Koeppel* does not

disclose all the limitations of claims 1, 13 and 25, and thus *Koeppel* does not anticipate claims 1, 13 and 25. M.P.E.P. § 2131.

Koeppel does not disclose "*updating said information about said user in said database*" as recited in claim 1 and similarly in claims 13 and 25. The Examiner directs Applicant's attention to column 11, line 21 through column 12, line 60 and FIGs. 2-3 and 5-6 of *Koeppel* as disclosing the above-cited claim limitation. Paper No. 3, page 3. Instead, as stated above, *Koeppel* discloses monitoring and storing user initiated events such as browsing through a web page, mouse movements, screen scrolling, linking to other web pages. Further, *Koeppel* discloses that upon a trigger event, e.g., client side data store being filled up to a threshold limit, the information stored in the client side data store is transmitted to the web server. *Koeppel* further discloses that the information received by the web server is forwarded to a data store for storage. That information is then used by a marketing agency to perform marketing analysis on the content rendered to the client nodes. *Koeppel* simply discloses *storing the received information on the user behavior in a data store for storage*. *Koeppel* does not disclose *updating the information about the user in a database*. Therefore, *Koeppel* does not disclose all the limitations of claims 1, 13 and 25, and thus *Koeppel* does not anticipate claims 1, 13 and 25. M.P.E.P. § 2131.

For at least the above reasons, claims 1, 13 and 25 are not anticipated by *Koeppel*. Claims 2-7, 14-19 and 26-31 each recite combinations of features including the above combinations, and thus are not anticipated for at least the above reasons. Claims 2-7, 14-19 and 26-31 recite additional features, which, in combination with the features of the claims upon which they depend, are not anticipated by *Koeppel*.

For example, *Koeppel* does not disclose "*comparing said user selectable information in said persona facet with said received information from said web site*" as recited in claim 2 and similarly in claims 14 and 26. The Examiner directs Applicant's attention to column 11, line 21 through column 12, line 60 and FIGs. 2-3 and 5-6 of *Koeppel* as disclosing the above-cited claim limitation. Paper No. 3,

page 3. Referring to column 11, line 21 through column 12, line 60 of *Koeppel*, *Koeppel* discloses transmitting information about the user's behavior to the server which is forwarded to the data store for storage. An analytical program may then be used to analyze the user's behavior information that is stored in the data store to determine whether the web page rendered at each client with its associated client needs adjustment based on the collected user response data. As stated above, *Koeppel* does not disclose *user selectable information*. Furthermore, as stated above, *Koeppel* does not disclose a *persona facet*. Furthermore, *Koeppel* does not disclose *comparing user selectable information in a persona facet with the received information from the web site*. *Koeppel* does not *disclose any type of comparing* but instead discloses analyzing information on the user's behavior using an analytical program. Therefore, *Koeppel* does not disclose all the limitations of claims 2, 14 and 26, and thus *Koeppel* does not anticipate claims 2, 14 and 26. M.P.E.P. § 2131.

Koeppel does not disclose "wherein said comparing said user selectable information in said persona facet with said received information from said web site comprises the step of *parsing said information received from said web site*" as recited in claim 3 and similarly in claims 15 and 27. The Examiner directs Applicant's attention to column 11, line 21 through column 12, line 60 and FIGs. 2-3 and 5-6 of *Koeppel* as disclosing the above-cited claim limitation. Paper No. 3, page 3. As stated above, *Koeppel* discloses the web server receiving information on the user's behavior that is transmitted to a data store for storage. The information on the user's behavior stored in the data store is then analyzed by an analytical program. Further, Applicant has performed a word search of "parsing" in *Koeppel* and has been unable to identify the word "parsing" or any variation thereof. Applicant respectfully requests the Examiner to particularly point out in *Koeppel* where *Koeppel* discloses parsing information received from a web site. Therefore, *Koeppel* does not disclose all the limitations of claims 3, 15 and 27, and thus *Koeppel* does not anticipate claims 3, 15 and 27. M.P.E.P. § 2131.

Koeppel does not disclose "wherein said web site determines if said web site recognizes said persona facet by searching a database for said persona facet" as recited in claim 4. The Examiner directs Applicant's attention to column 12, lines 15-60 and FIGs. 5-6 of *Koeppel* as disclosing the above-cited claim limitation. Paper No. 3, page 3. As stated above, *Koeppel* discloses that the information about the user's behavior is transmitted to the server which is then forwarded to a data store for storage. The information about the user's behavior stored in the data store may subsequently be analyzed by an analytical program to determine whether the web page rendered at each client node with its associated content needs adjustment. *Koeppel* does not disclose the web site determining if the web site recognizes a persona facet by searching a database for the persona facet. Therefore, *Koeppel* does not disclose all the limitations of claims 4, 16 and 28, and thus *Koeppel* does not anticipate claims 4, 16 and 28. M.P.E.P. § 2131.

Koeppel does not disclose "wherein if there are differences between said information received from said web site and said user selectable information in said persona facet from said comparison then said information about said user stored in said database is updated" as recited in claim 5 and similarly in claims 17 and 29. The Examiner directs Applicant's attention to column 12, lines 31-60 and column 13, lines 22-28 of *Koeppel* as disclosing the above-cited claim limitation. Paper No. 3, page 3. Instead, *Koeppel* discloses:

FIG. 6 is an exemplary flow chart of the analyze responses process described in FIG. 2. The process begins when the collected user responses stored in data store 120 are accessed by Web server 110 (Step S.610). *Analytical program 115 retrieves the collected user response data and initiates an analysis program including the analytical program rules received by marketing and analysis system 170 (Step S.620). Analytical program 115 determines whether the Web page rendered at each client node 150, with its associated content, needs adjustment based on the collected user response data.* Analysis may include correlating predetermined threshold values with the user response data. That is, if the user response data indicates that particular content was viewable to a user for a certain amount of time, based on the "in-view" features of the user response collection operations

performed by the client side scripts, that may indicate the user was viewing the content for that certain time frame. Accordingly, a threshold value associated with particular content, and the amount of time it was viewable, may be incorporated into the analytical program rules programmed into analytical program 115. Analytical processing may include comparing the threshold value with the collected user response data to make a determination whether the content or rules stored in data store 130 need adjustment. The correlation processing performed by analytical program 115 may be associated with a plurality of user events, such as link selections, scrolling, maximizing/minimizing windows. Analytical program 115 processes the results of the analyzed user response data, and updates the content rules, and/or content stored in data store 130, automatically. Column 12, lines 31-60.

Upon completion of its analysis, analytical program 115 utilizes the collected response data and may apply a number of different rules associated with each response data characteristic, to determine what type of changes, if any, are needed to the content and content rules stored in data store 130 (Step S.630). Accordingly, the content rules and types of content may be altered or added to data store 130. Column 13, lines 22-28.

Thus, *Koeppel* discloses using an analytical program to analyze the information about the user's behavior stored in the data store to determine whether the web page rendered at each client node with its associated content needs adjustment. The analytical program may apply a number of different rules associated with each response data characteristic to determine what type of changes, if any, are needed to the content and content rules stored in a separate data store. For at least the reasons stated above, *Koeppel* does not disclose *user selectable information*. Furthermore, for at least the reasons stated above, *Koeppel* does not disclose *a persona facet*. Furthermore, for at least the above reasons stated above, *Koeppel* does not disclose *comparing the user selectable information of the persona facet with the received information from the web site*. Furthermore, for at least the reasons stated above, *Koeppel* does not disclose *updating information about the user stored in the database*. Furthermore, the above-cited language in *Koeppel* does not disclose updating the information about the user stored in the database *if there are differences between the information received from the web site and the user selectable information in the*

persona facit. Therefore, *Koeppel* does not disclose all the limitations of claims 5, 17 and 29, and thus *Koeppel* does not anticipate claims 5, 17 and 29. M.P.E.P. § 2131.

Koeppel does not disclose "*completing said electronic transaction*" as recited in claim 6 and similarly in claims 18 and 30. The Examiner directs Applicant's attention to column 13, lines 22-28 of *Koeppel* as disclosing the above-cited claim limitation. Paper No. 3, page 3. Instead, *Koeppel* discloses:

Upon completion of its analysis, *analytical program 115 utilizes the collected response data and may apply a number of different rules associated with each response data characteristic, to determine what type of changes, if any, are needed to the content and content rules stored in data store 130* (Step S.630). Accordingly, the content rules and types of content may be altered or added to data store 130. Column 13, lines 22-28.

Thus, *Koeppel* discloses an analytical program that applies a number of different rules associated with each response data characteristic to determine what changes, if any, are needed to the content and content rules stored in a data store unit. This language does not disclose *completing an electronic transaction*. Therefore, *Koeppel* does not disclose all the limitations of claims 6, 18 and 30, and thus *Koeppel* does not anticipate claims 6, 18 and 30. M.P.E.P. § 2131.

As a result of the foregoing, Applicant respectfully asserts that not each and every claim limitation was found within the cited prior art reference, and thus claims 1-7, 13-19 and 25-31 are not anticipated by *Koeppel*.

It is noted that words are italicized only for emphasis. Words that are italicized are not meant to imply that only those words are not disclosed in the cited prior art.

II. REJECTIONS UNDER 35 U.S.C. 103(a):

The Office Action has rejected claims 8-9, 20-21 and 32-33 under 35 U.S.C. § 103(a) as being unpatentable over *Koeppel* in view of *Franklin et. al.*

(U.S. Patent No. 6,125,352) (hereinafter "*Franklin*"). The Office Action has rejected claims 10-12, 22-24 and 34-36 under 35 U.S.C. § 103(a) as being unpatentable over *Koeppel* in view of *Jaye* (U.S. Patent No. 6,415,322). Applicant respectfully traverses these rejections for at least the reasons provided below and respectfully requests that the Examiner reconsider and withdraw these rejections.

A. **The Examiner has not provided any motivation for combining *Koeppel* and *Franklin*.**

A *prima facie* showing of obviousness requires the Examiner to establish, *inter alia*, that the prior art references teach or suggest, either alone or in combination, all of the limitations of the claimed invention, and the Examiner must provide a motivation or suggestion to combine or modify the prior art reference to make the claimed inventions. M.P.E.P. §2142. The motivation or suggestion to combine references must come from one of three possible sources: the nature of the problem to be solved, the teaching of the prior art and the knowledge of persons of ordinary skill in the art. *In re Route*, 47 U.S.P.Q.2d. 1453,1458 (Fed. Cir. 1998). The showings must be clear and particular. *In re Lee*, 277 F.3d 1338, 1343, 61 U.S.P.Q.2d 1430, 1433-34 (Fed. Cir. 2002); *In re Kotzab*, 217 F.3d 1365, 1370, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 200); *In re Dembiczak*, 50 U.S.P.Q.2d. 1614, 1617 (Fed. Cir. 1999). Broad conclusory statements regarding the teaching of multiple references, standing alone, are not evidence. *Id.*

In order to reject under 35 U.S.C. § 103, therefore, the Examiner must provide a proper motivation for combining or modifying the references. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1457-1458 (Fed. Cir. 1998); M.P.E.P. § 2142. The Examiner's motivation for modifying *Koeppel* to include user selectable information that comprises a particular payment method as well as modifying *Koeppel* to complete an electronic transaction by initiating a method call to a web site from the web browser to expose a particular payment method is "because it would expand usages of the electronic transaction method of *Koeppel*, in particular for applying it for payment transaction." Paper No. 3, page 4.

There is no motivation to combine *Koeppel* with *Franklin* as there is no suggestion or motivation in either *Koeppel* or *Franklin*, or in their combination, or in the knowledge of those ordinarily skilled in the art to combine the teaching of *collecting and analyzing information on a user's behavior* as taught in *Koeppel* with the teaching of *adding various client side functionality in electronic shopping system for allowing users to store, view, and process product information, payment information and shipping information on the user computer* as taught in *Franklin*. *Koeppel* teaches:

Upon receiving the Web page, each client enables the users to browse the content displayed on the page. *The users' behavior in response to the displayed page is monitored at each client node, by capturing events such as mouse movements, scrolling, resizing the browser window, URL selections and/or other similar user initiated events. The captured events are sent back to the Web server in response to a detected client side trigger, and the captured event data is stored into a server side data store. An analytical program, executing in the Web server, analyzes the collected user event data to determine the effectiveness of the content presented on the Web page.* The analytical program determines whether any changes to the content are needed, and modifies or produces new rules associated with the content. A middleware program, also executing in the Web server, produces modified content to be rendered in the Web page using the rules associated with the content. When the Web server receives a subsequent request for the Web page, the Web server serves the modified page back to the client nodes as an updated Web page. Column 5, lines 34-52.

The event data is sent back to Web server 110 by executing a routine associated with a URL appended to the Web page served at the client node 150. The Web page sent to the client node 150, includes a portion with a URL dedicated to the dynamic transmission of the collected data to Web server 110. The routine appends the collected user event data from the client data store 160, onto the dedicated URL. *That portion of the Web page is dynamically reloaded, forcing the collected user event data to be sent to the Web server 110 (Step S.560). Upon receipt of the collected user event data, Web server 110 forwards it to data store 120 for storage.* Column 12, lines 15-25.

Analytical program 115 determines whether the Web page rendered at each client node 150, with its associated content, needs adjustment

based on the collected user response data. Analysis may include correlating predetermined threshold values with the user response data. That is, if the user response data indicates that particular content was viewable to a user for a certain amount of time, based on the "in-view" features of the user response collection operations performed by the client side scripts, that may indicate the user was viewing the content for that certain time frame. Accordingly, a threshold value associated with particular content, and the amount of time it was viewable, may be incorporated into the analytical program rules programmed into analytical program 115. Column 12, lines 38-51.

Thus, *Koeppel* teaches transmitting information on a user's behavior to the server which may then be forwarded to a data store unit for storage. The information stored in the data store unit may then be analyzed by an analytical program to determine whether the web page rendered each client node with its associated content needs adjustment. *Franklin* teaches:

In accordance with the invention, an electronic shopping system is provided which makes use of the existing client and server software components and protocols of the World Wide Web, and which adds various client-side functionality for allowing users to store, view, and process product information (gathered from merchant Web sites), payment information, and shipping information on the user computer. The system includes a specialized client application (referred to as the "commerce client") which runs on the consumer computer in conjunction with a standard Web browser. The commerce client communicates with a specialized commerce server (which runs on the merchant Web site in conjunction with a Web server) using a bi-directional function calling protocol. Hypertext (HTML) catalog pages served by the merchant Web site, as well as "user interface" hypertext documents stored on the user computer, include embedded function calls which can be selectively invoked by the consumer while viewing the hypertext pages with the Web browser. Using these embedded function calls, the user can perform actions such as: request pricing or inventory information on a particular product from the merchant Web site; selectively store product information within a client-side shopping basket; view the contents of the shopping basket; and transmit encrypted shipping and/or payment information (stored on the consumer computer) to the merchant Web site. Column 2, lines 29-53.

Thus, *Franklin* teaches adding various client-side functionality for allowing user's to store, view and process product information, payment information and shipping

information on the user computer. The Examiner has not shown why one skilled in the art would combine the teaching of analyzing information about a user's behavior to reflect the success of the content presented in the web page with the teaching of adding various client-side functionality for allowing users to store, view and process product information, payment information and shipping information on the user computer from either the nature of the problem to be solved, the teaching in the prior art or the knowledge of persons of ordinary skill in the art. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1458 (Fed. Cir. 1998). The Examiner must provide **objective** evidence for combining *Koeppel*, which teaches analyzing information about a user's behavior to reflect the success of the content presented in the web page, with *Franklin*, which teaches adding client-side functionality for allowing users to store, view, and process product information, payment information and shipping information on the user computer.

As stated above, the Examiner's motivation for modifying *Koeppel*, to have user selectable information that comprises a particular payment method and to complete an electronic transaction by initiating a method call to the web site from the web browser to expose a particular payment method, is because it would expand usages of the electronic transaction method of *Koeppel*, in particular for applying it for payment transaction. Applicant respectfully traverse the implied assertion that *Koeppel* teaches an electronic transaction method. Further, the Examiner does not show why *Koeppel* should be modified to have user selectable information that includes a particular payment method from either the nature of the problem to be solved, the teaching in the prior art or the knowledge of persons of ordinary skill in the art. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1458 (Fed. Cir. 1998). Further, the Examiner has not shown why *Koeppel* should be modified to complete an electronic transaction by initiating a method call to the web site from the web browser to expose a particular payment method from either the nature of the problem to be solved, the teaching in the prior art or the knowledge of persons of ordinary skill in the art. *Id.* Further, the Examiner does not show why *Koeppel* should be modified to expand usages of an electronic transaction from either the nature of the problem to be solved,

the teaching in the prior art or the knowledge of persons of ordinary skill in the art.
Id.

The Examiner must submit **objective evidence** and not rely on her subjective opinion in support of modifying *Koeppel* to have user selectable information that includes a particular payment method. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002). Further, the Examiner must submit **objective evidence** and not rely on her subjective opinion in support of modifying *Koeppel* to complete an electronic transaction by initiating a method call to the web site from the web browser to expose a particular payment method. *Id.* Further, the Examiner must submit **objective evidence** and not rely on her subjective opinion in support of modifying *Koeppel* to expand usages of an electronic transaction. *Id.* Therefore, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 8-9, 20-21 and 32-33.

B. *Koeppel* and *Franklin*, Taken Singly or in Combination, do not Teach or Suggest the Following Claim Limitations.

Koeppel and *Franklin*, taken singly or in combination, do not teach or suggest "wherein said electronic transaction is completed by initiating a method call to said web site from said web browser to *expose said particular payment method*" as recited in claim 9 and similarly in claims 21 and 33. The Examiner directs Applicant's attention to column 17, lines 62-67 and column 24, line 61 through column 25, line 11 and FIG. 4 of *Franklin* as teaching the above-cited claim limitation. Paper No. 3, page 4. Instead, *Franklin* teaches:

Using these embedded function calls, the user can perform actions such as: request pricing or inventory information on a particular product from the merchant Web site; selectively store product information within a client-side shopping basket; view the contents of the shopping basket; and *transmit encrypted shipping and/or payment information (stored on the consumer computer) to the merchant Web site*. Column 2, lines 47-53.

Thus, *Franklin* teaches *transmitting encrypted payment information to the merchant*

web site. This language does not teach initiating a method call to the web site to *expose the particular payment method*.

C. **The Examiner has not provided any motivation for combining Koeppel and Jaye.**

As stated above, a *prima facie* showing of obviousness requires the Examiner to establish, *inter alia*, that the prior art references teach or suggest, either alone or in combination, all of the limitations of the claimed invention, and the Examiner must provide a motivation or suggestion to combine or modify the prior art reference to make the claimed inventions. M.P.E.P. §2142. The motivation or suggestion to combine references must come from one of three possible sources: the nature of the problem to be solved, the teaching of the prior art and the knowledge of persons of ordinary skill in the art. *In re Route*, 47 U.S.P.Q.2d. 1453,1458 (Fed. Cir. 1998). The showings must be clear and particular. *In re Lee*, 277 F.3d 1338, 1343, 61 U.S.P.Q.2d 1430, 1433-34 (Fed. Cir. 2002); *In re Kotzab*, 217 F.3d 1365, 1370, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 200); *In re Dembiczak*, 50 U.S.P.Q.2d. 1614, 1617 (Fed. Cir. 1999). Broad conclusory statements regarding the teaching of multiple references, standing alone, are not evidence. *Id.*

In order to reject under 35 U.S.C. § 103, therefore, the Examiner must provide a proper motivation for combining or modifying the references. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1457-1458 (Fed. Cir. 1998); M.P.E.P. § 2131. The Examiner's motivation for modifying *Koeppel*, to determine whether a selected persona facet is recognized by a web site where if the web site does not recognize the selected person facet then the user selectable information is stored in cookie data and where if the web site recognizes the selected persona facet then the user requests from the web site to send the information about the user stored in the database, is "*so that the information can be better traced*." Paper No. 3, page 5.

There is no motivation to combine *Koeppel* with *Jaye* as there is no suggestion or motivation in either *Koeppel* or *Jaye*, or in their combination, or in the knowledge of those ordinarily skilled in the art to combine the teaching of collecting

and analyzing information on a user's behavior, as taught in *Koeppel*, with the teaching of establishing a global interest profile of a user while protecting the privacy of the user in *Jaye*. *Koeppel* teaches:

Upon receiving the Web page, each client enables the users to browse the content displayed on the page. The users' behavior in response to the displayed page is monitored at each client node, by capturing events such as mouse movements, scrolling, resizing the browser window, URL selections and/or other similar user initiated events. The captured events are sent back to the Web server in response to a detected client side trigger, and the captured event data is stored into a server side data store. An analytical program, executing in the Web server, analyzes the collected user event data to determine the effectiveness of the content presented on the Web page. The analytical program determines whether any changes to the content are needed, and modifies or produces new rules associated with the content. A middleware program, also executing in the Web server, produces modified content to be rendered in the Web page using the rules associated with the content. When the Web server receives a subsequent request for the Web page, the Web server serves the modified page back to the client nodes as an updated Web page. Column 5, lines 34-52.

The event data is sent back to Web server 110 by executing a routine associated with a URL appended to the Web page served at the client node 150. The Web page sent to the client node 150, includes a portion with a URL dedicated to the dynamic transmission of the collected data to Web server 110. The routine appends the collected user event data from the client data store 160, onto the dedicated URL. That portion of the Web page is dynamically reloaded, forcing the collected user event data to be sent to the Web server 110 (Step S.560). Upon receipt of the collected user event data, Web server 110 forwards it to data store 120 for storage. Column 12, lines 15-25.

Analytical program 115 determines whether the Web page rendered at each client node 150, with its associated content, needs adjustment based on the collected user response data. Analysis may include correlating predetermined threshold values with the user response data. That is, if the user response data indicates that particular content was viewable to a user for a certain amount of time, based on the "in-view" features of the user response collection operations performed by the client side scripts, that may indicate the user was viewing the content for that certain time frame. Accordingly, a threshold value associated with particular content, and the amount of time it was viewable, may

be incorporated into the analytical program rules programmed into analytical program 115. Column 12, lines 38-51.

Thus, *Koeppel* teaches transmitting information on a user's behavior to the server which may then be forwarded to a data store unit for storage. The information stored in the data store unit may then be analyzed by an analytical program to determine whether the web page rendered each client node with its associated content needs adjustment. *Jaye* teaches:

A distributed user identification process is provided that allow *individual local servers or domains to control their own user identification scheme and to collaborate with other local servers or domains at the discretion of an enterprise server.* The enterprise server correlates the local user identification scheme with a global user identifier and may disclose to interested outside parties, such as advertisers, only the global user identifier without revealing the identity of a user who interacts with a local server. Column 2, lines 1-11.

Thus, *Jaye* teaches establishing a global interest profile of a user while protecting the privacy of the user. The Examiner has not shown why the teaching of analyzing information about a user's behavior to reflect the success of the content presented in the web page should be combined with the teaching of establishing a global interest profile of a user while protecting the privacy of the user, from either the nature of the problem to be solved, the teaching in the prior art or the knowledge of persons of ordinary skill in the art. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1458 (Fed. Cir. 1998). The Examiner must provide **objective** evidence for combining *Koeppel* which teaches analyzing information about a user's behavior to reflect the success of the content presented in the web page with *Jaye* which teaches establishing a global interest profile of a user while protecting the privacy of the user.

As stated above, the Examiner's motivation for modifying *Koeppel*, to determine whether a selected persona facet is recognized by a web site where if the web site does not recognize the selected person facet then the user selectable information is stored in cookie data and where if the web site recognizes the selected

persona facet then the user requests from the web site to send the information about the user stored in the database, is so that the information can be better traced. The Examiner does not show why *Koeppel* should be modified to determine whether a selected persona facet is recognized by a web site where if the web site does not recognize the selected person facet then the user selectable information is stored in cookie data and where if the web site recognizes the selected persona facet then the user requests from the web site to send the information about the user stored in the database from either the nature of the problem to be solved, the teaching in the prior art or the knowledge of persons of ordinary skill in the art. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1458 (Fed. Cir. 1998). Further, the Examiner has not shown why *Koeppel* should be modified to trace information from either the nature of the problem to be solved, the teaching in the prior art or the knowledge of persons of ordinary skill in the art. *Id.* The Examiner must submit **objective evidence** and not rely on her subjective opinion in support of modifying *Koeppel* to determine whether a selected persona facet is recognized by a web site where if the web site does not recognize the selected person facet then the user selectable information is stored in cookie data and where if the web site recognizes the selected persona facet then the user requests from the web site to send the information about the user stored in the database. *In re Lee*, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002). Further, the Examiner must submit **objective evidence** and not rely on her subjective opinion in support of modifying *Koeppel* to trace information. *Id.* Therefore, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 10-12, 22-24 and 34-36.]

D. ***Koeppel* and *Jaye*, Taken Singly or in Combination, do not Teach or Suggest the Following Claim Limitations.**

Koeppel and *Jaye*, taken singly or in combination, do not teach or suggest "determining whether said selected persona facet is recognized by said web site, wherein if said web site does not recognize said selected persona facet then said user selectable information is stored in cookie data" as recited in claim 10 and similarly in claims 22 and 34. The Examiner directs Applicant's attention to column 6, lines 12 –

column 7, line 45 and FIG. 2 of *Jaye* as teaching the above-cited claim limitation. Paper No. 3, page 5. Instead, *Jaye* teaches:

Thus, if the client 12 does not provide a cookie with the data request, then it is determined at the test step 32 that the client 12 has never accessed the local server and control passes from step 32 to step 34, where the local server creates a unique local ID for the client 12. The local server can generate unique local ID's in a variety of conventional manners familiar to one of ordinary skill in the art, including, but not limited to, incrementing a stored value and then providing an alphanumeric version of that value as the local ID. Column 6, lines 22-31.

Thus, *Jaye* teaches that if the client does not provide a cookie with the data request to a local server then it is assumed that the client never accessed the local server and the local server creates a unique ID for the client. This language does not teach *determining whether the selected persona facet is recognized by the web site*. Instead, *Jaye* teaches determining if the client provided a cookie along with the data request. Further, this language does not teach that *if the web site does not recognize the selected person facet then the user selectable information is stored in cookie data*. Instead, *Jaye* teaches that if the client does not send a cookie along with the data request then the local server creates a unique ID for the client. Accordingly, one skilled in the art would not be able to recreate claims 10, 22 and 34 in view of the cited prior art.

Koeppel and *Jaye*, taken singly or in combination, do not teach or suggest *"determining whether said selected persona facet is recognized by said web site, wherein if said web site recognizes said selected persona facet then said user requests from said web site to send said information about said user stored in said database"* as recited in claim 11 and similarly in claims 23 and 35. The Examiner directs Applicant's attention to column 6, lines 12 – column 7, line 45 and FIG. 2 of *Jaye* as teaching the above-cited claim limitation. Paper No. 3, page 5. Instead, as stated above, *Jaye* teaches that if the client does not provide a cookie with the data request to a local server then it is assumed that the client never accessed the local server and

the local server creates a unique ID for the client. This language does not teach *determining whether the selected persona facet is recognized by the web site*. Instead, *Jaye* teaches determining if the client provided a cookie along with the data request. Further, this language does not teach *where if the web site recognizes the selected persona facet then the user requests from the web site to send the information about the user stored in the database*. Instead, *Jaye* simply teaches that if the client does not send a cookie along with the data request then the local server creates a unique ID for the client. Accordingly, one skilled in the art would not be able to recreate claims 11, 23 and 35 in view of the cited prior art.

Koeppel and *Jaye*, taken singly or in combination, do not teach or suggest "wherein if said web site does not send said information about said user stored in said database then the method further comprises the step of: storing said user selectable information in cookie data" as recited in claim 12 and similarly in claims 24 and 36. The Examiner directs Applicant's attention to column 6, lines 12 – column 7, line 45 and FIG. 2 of *Jaye* as teaching the above-cited claim limitation. Paper No. 3, page 5. Instead, as stated above, *Jaye* teaches that if the client does not provide a cookie with the data request to a local server then it is assumed that the client never accessed the local server and the local server creates a unique ID for the client. This language does not teach *storing user selectable information in cookie data*. Further, this language does not teach storing user selectable information in cookie data *if the web site does not send information about the user stored in the database*. Accordingly, one skilled in the art would not be able to recreate claims 12, 24 and 36 in view of the cited prior art.

E. Conclusion Regarding 35 U.S.C. §103 Rejections.

As a result of the foregoing, Applicant respectfully asserts that the Examiner's *prima facie* case of obviousness is not taught or suggested by the cited prior art since there are numerous claim limitations not taught or suggested in the cited prior art, and thus one skilled in the art would not have been able to recreate claims 8-12, 20-24 and 32-36 in view of the cited prior art.

It is noted that words are italicized only for emphasis. Words that are italicized are not meant to imply that only those words are not taught or suggested in the cited prior art.

III. INTERVIEW SUMMARY:

Applicant thanks the Examiner for providing the opportunity to discuss the case with her on April 7, 2003. A summary of the telephonic interview between Applicant's attorney, Robert A. Voigt, Jr., and Examiner Mary Cheung is as follows. Claim 1 was discussed in connection with the reference *Koeppel et al.* (U.S. Patent No. 6,477,575). In particular, the parties discussed the limitation of "selecting a persona facet by a user, wherein said persona facet selected comprises a user selectable information that will be disclosed in said electronic transaction." The Examiner asserted that link selections on a web page, mouse movements, screen scrolling, window resizing, or any other user initiated event as disclosed in *Koeppel* is equivalent to the limitation of user selectable information. However, these are client activities which are not selectable by the user. Hence, *Koeppel* does not disclose user selectable information. Further, the Examiner asserted that a link to another web page was equivalent to an electronic transaction. However, a person of ordinary skill in the art would not interpret simply linking to another web site as equivalent to an electronic transaction. Consequently, *Koeppel* does not disclose the limitation of an electronic transaction.

IV. CONCLUSION

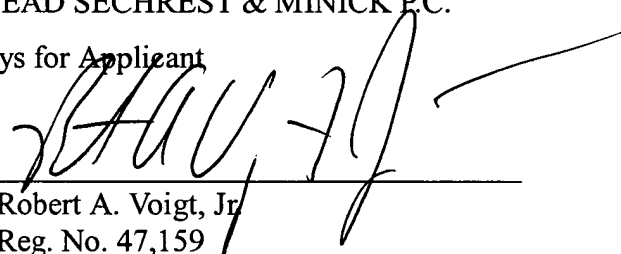
As a result of the foregoing, it is asserted by Applicant that claims 1-36 in the application are in condition for allowance, and Applicant respectfully requests an early allowance of such claims.

Applicant respectfully requests that the Examiner call Applicant's attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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